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[1474

SUMMARY OF POLITICS.

VICE ADMIRALTY COURTS.—In my last, at page 1466, I inserted a sketch of the debate in the Honourable House, upon the subject of these courts in general, and particularly the court at *Malta*, where, as the reader must have seen from LD. COCHRANE'S speech, things are carried on in a manner to stagger credulity itself. His Lordship distinctly stated, that a man at *Malta* had contrived to unite in his own person the two offices of *Proctor* and *Marshal*; that in this double capacity, he *advised, instructed, consulted, and feed*, himself; that he *made affidavit* that he had so consulted himself; and, *extracted his own oath* for another purpose, for which also he was paid. His Lordship next spoke of some of the *charges* made by this man for *attendance upon himself*, and proceeded to give some instances, which, to be sure would not, and could not, gain belief, if the statement did not come from such high authority. He gives an instance of a prize which was valued at 8,600 crowns, which by the charges of the Vice-Admiralty Court were reduced to 1,900 crowns. He mentioned a case where the Proctor's Bill was *taxed*, and where 50 crowns were *taken off*, but the charge of the court for the trouble of taxing was 35 crowns! In short, such a scene as this was, surely, never heard of under any other system.—Lord COCHRANE moved for papers with a view of bringing this matter regularly before parliament; but, it will now be too late for the proceeding to be adopted this session, for which I am very sorry; for the matter is of such a nature that it should not be suffered to rest for a day.—No objection appears to have been made to the motion of LD. COCHRANE, but SIR JOHN NICHOLL, the King's advocate, in the Court of Admiralty, made a remark or two, which ought to be noticed.—He is reported to have said, that he had not lately corresponded with the Judge of the Vice Admiralty Court at *Malta*; but, that, "having practised at the same bar with him, he had every reason to believe that he was a man of talent and integrity." And, was this to be an answer to Lord Coch-

rane? Was this to satisfy him, or any part of the people? A mere *opinion* of the judge's talents and integrity, given by one who only *remembered* him at the same bar with himself? Was this to have any weight in opposition to the facts, the loud speaking facts, uttered by LORD COCHRANE?—But, this judge was a man of "*spirit*" too, alluding to his having ordered Lord Cochrane to be imprisoned for a contempt of his court. He may be a man of spirit, for any thing that I know; but, how did this show it? He knew well, that LORD COCHRANE had no power of resistance. Is there any *courage*, then, in sending a man to prison? There may be times imagined, when such an act would show courage; but, such was not the case at *Malta*, where the whole government must be nearly military; and where resistance was wholly out of the question. Where there was no *public* to appeal to; and where, in short, there was no more need of courage to send a man to jail than there would have been to have eat a mouthful of water melon. The transaction took place in a country where a man consults and advises and instructs and *fees himself*; and that is enough; one need say no more about it to satisfy the world, that it required no *spirit* in a judge to send a man to jail for a contempt of him.—But, SIR JOHN NICHOLL had an argument for forbearance, which he appears to have thought of great weight; namely, that the person principally aimed at by LORD COCHRANE "was *absent*, and "was a *judge*."—What, then, are we never to attack an absent man? If that be the case, culprits have only to keep out of the presence of those who are likely to attack them. But, how long has this been a rule of conduct? Is not the thief or the murderer attacked in his *absence*, when an information is first lodged against him? Nay, is not this the invariable march of legal proceeding? The accused is, indeed, in a subsequent stage, entitled to be confronted with his accuser; but, he is *accused* in his absence; and, if he were not, he would, to be sure, take care never to be present if he was guilty. Take this doctrine of Sir John Nicholl to Bow-street,

and hear what would be said to it. When a gentleman comes to make oath against a thief that has stolen his watch or his purse, what would he think if the magistrate were to tell him that he could not hear him (and, of course, could not grant the warrant) in the *absence* of the thief? —This brings the matter home to us at once. How, according to Sir John Nicholl's doctrine, are any of the people at Malta to be accused as long as they remain there; and, that they will like to remain there we may be very sure, as long as they can do what they are now doing. "*Absent!*" Why, who is ever to be attacked, then, that is out of the kingdom? PAINE was outlawed; because he did not come into the Court of King's Bench to answer to charges of libel, or, rather, to receive the judgment of the court. To be sure; but, according to this new doctrine, he ought not to have been proceeded against. The Attorney General ought to have stopped 'till the party prosecuted chose to come to England again. —This doctrine is the most comfortable discovery possible for all persons in authority *abroad*; for, they have only to remain there; or be kept there, and no inquiry into their conduct is to take place. You cannot even move for their *recal*; for they are *absent*. So that, as against them, there appears to be *no remedy at all*, if this new doctrine is to have any weight. —The other argument, namely, that the man was a *judge*, was, if possible, still more objectionable. A *Judge!* And what is a *Judge*, that his conduct is never to be questioned? Or, why should he, who is by his profession, amongst the keenest of men, and who ought to be doubly scrupulous in his conduct; why is he not to be subject to accusation as well as other men? *Absent*, and a *judge!* Fine reasons, truly, for a person to forbear bringing forward accusations against him. Any offence in a Judge is much greater than the same offence in a common person. People ought to be extremely watchful of them; ought never to miss accusing them, where there is good ground of accusation. They are the very public functionaries who, of all others, ought to be most carefully watched, and whose conduct, when wrong, ought never to escape exposure. I, for my part, am quite astonished that any one should hold a doctrine like this. Kings, we know, *can do no wrong*; but, surely, it is not so with Judges; or, at least, the doctrine is quite new to me. —There is a law,

which says that any of the Judges at home may be removed by impeachment, or by address of the two Houses of Parliament; but, how are they to be removed, if their conduct is never to be found fault of? How are they to be impeached, or to be voted out, if no one is to speak ill of them? *Judges!* Why, how many Judges have been *accused, tried, condemned, and executed* in England? And, why should they not, if they deserve it, as well as Bishops and Lords. One would think, from the doctrines that are afloat now-a-days, that some people thought a judge's wig a sufficient answer to all accusations. I, for my part, can discover no solid reason, nor any shew of reason, why the conduct of Judges should not be as freely canvassed as that of any other persons in public employ. They are public functionaries as well as any of the other persons appointed by the King; they are paid out of the taxes, or, in one shape or other, out of the people's money; they are paid as well as other men in public employ; they have their places for life if they behave well; and so have many other persons who are paid out of the public money; and ought they not to be *responsible* for their conduct? Ought they not to be made *answerable* for what they do, if what they do is wrong? If not, then would the government be a *despotism*; for that means a state of things, where somebody, *no matter who*, has the power of taking people's liberty, property, and life away, without being responsible for what they do. And, if they are responsible, how is their responsibility to be brought into activity; how is it to become *real*, except they be liable to be *accused*? Indeed, the press ought to be more watchful with regard to them, than with regard to any other persons in the public employ; seeing that their actions are of more importance to the people at large than the actions of any other set of public functionaries; but, at any rate, the members of parliament ought to watch narrowly over it; and ought not to be silenced by being told that the party complained of is a *judge*. —From judges we should, of course, get to justices of the peace and Police justices; and, here, what a number of irresponsible people shall we have! The police justices, like the judges, are paid for their time and labour; but, this makes no distinction in the way of exemption from responsibility; and, there is, and can be, no reason for this exemption, which will not equally well apply to the justices

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of the peace all through the country ; and, when it is so applied, and the application acted upon, we shall have arrived at a comfortable pitch. Every village will have its irresponsible person ; its person as to whose conduct no man must open his lips except in the way of *praise*.—The King's advocate concluded by observing, that, as Lord Cochrane had *failed in substantiating former charges*, it might be fairly inferred, that the accusations now preferred by him might possibly turn out to be unfounded. To which SIR FRANCIS BURDETT replied, that it was hard that his noble colleague should be accused of having failed in making out charges by the very persons who had denied him the opportunity of proving them.—GEORGE ROSE said that Lord Cochrane had failed in two former charges ; and his lordship said that he had been denied the opportunity of proving them.—He certainly did fail ; but it was in the same way that Mr. MADOCKS failed ; namely, in his endeavours to prevail upon the Honourable House to *hear his proofs*.—There can be no doubt but this subject will be revived. It cannot be suffered to rest as it is. Lord Cochrane has stated that *five millions* a year might be saved in consequence of a reform in the Admiralty Courts. George Rose said, that little or nothing could be saved. I believe Lord Cochrane ; and, if any one will take the pains to look into the public accounts of the year, I am sure he will be of the same opinion ; for there can, I think, be no doubt that one quarter part of the whole expence of the Navy might be saved, by the adoption of proper regulations relating to prizes.

SICILY.—I have not taken much notice of this country of late ; but, it is high time to notice it ; for, at no very distant day, we shall, I imagine, have our attention drawn to it in a manner not to be resisted.—The following, which purports to be a letter from *Sicily*, and dated at Palermo on the 27th of March, has been, in the following words, published in all our newspapers. I shall insert it here without pretending to vouch for the truth of the facts which it states. — When the reader has gone through it, I shall trouble him with such remarks as appear to me likely to be useful upon the subject.—A Letter, dated Palermo, the 27th of March, states :—That a treaty of peace was signed on the 12th of January last, between the Court and Buonaparté, in which

the cession of Sicily in favour of the latter is stipulated. Notwithstanding that during the Parliament held in August last, supplies were obtained which the nation is unable to pay, the barefaced measure has been resorted to, of imposing, without the consent of Parliament or of the Deputation of the Kingdom, and against the fundamental laws and inviolable usages of this country, a duty of one per cent. on all public securities or private payments in which the transfer of money is witnessed by a receipt. This has excited universal indignation. The Barons have stepped forward to protest against it, but the Deputation of the Kingdom, through which this protest would become valid, has been interdicted from assembling by the Government. Besides this imposition, an Edict has appeared for the sale of all the lands belonging to the Royal demesnes (*these belong to the Crown, but not personally to the King*), or townships ; and another Edict establishing a lottery of 15,000 tickets of ten ounces each, of all property ecclesiastical, of commanderies, abbacies, &c. ; obliging every one, and even the incumbents of these lands set up to sale, to take a number of tickets proportioned to the reputed property they may possess of their own. This is not all : the Government proposes, now they are disappointed in the produce of these impositions, to make a requisition of all the plate belonging to individuals, and to pay for the same by an issue of paper. Officers, who call themselves *Tyrolese*, and dismissed from the Austrian service, are arrived to command the army, and many more are expected ; the command in chief is to be given to the Count La Tour (*a Frenchman*) who is daily expected. The King, frightened by the violent proceedings of a certain distinguished female whom he has not energy to controul, has retired into the country. The Duke of Orleans, inimical to these measures, had asked permission to retire either to Malta or to England with his family, and having been refused, has also retired from the capital. The discontent and alarm of every individual in consequence of these operations, is arrived at its greatest height ! A general fermentation and a spirit of opposition have manifested themselves every where ; incendiary placards have been stuck on all the walls, and have expressed the general

"sentiment. All eyes have been turned on
 "the English, in the hope of finding in
 "them their liberators; but their cold-
 "ness and apathy have left every one to
 "the pangs of despair. All this cannot
 "do less than produce the saddest conse-
 "quences to their own cause; in a word,
 "this kingdom is on the eve of its destruc-
 "tion, and with it the British army, the
 "subsidies which have been so long la-
 "vished on it, the immense sums spent
 "for its defence, and besides, all the views
 "which ever could have induced the Bri-
 "tish Government to so expensive an un-
 "dertaking.—Whenever we see a man
 "selling off all the furniture of his house,
 "we conclude that he is going to leave it.
 "The Proclamations declaring the in-
 "tended sale of all government property
 "were inclosed with the above letter, in
 "their original language, and printed at
 "Palermo. Is it natural to suppose that
 "the royal family in Sicily have any in-
 "tention of remaining there, when they
 "are selling off all the principal bases on
 "which the public revenue of their own
 "kingdom reposed?"—Now, if there
 "be any truth as to the main points stated
 "in this letter, what a war we are waging
 "in Sicily! I have often had to observe upon
 "our efforts to *deliver* nations against the
 "will of the people; but if this letter speak
 "truth, we are bent upon the deliverance of
 "Sicily against the will of both people and
 "sovereign. The statements may, perhaps,
 "be untrue; but, what are we to think of
 "the declaration of the king of Sicily, which
 "will be found in another part of this Num-
 "ber? It has not often happened, that
 "kings have issued declarations in contra-
 "diction to *mere rumour*.—It is very cu-
 "rious to see what a change has been pro-
 "duced by our war against the Jacobins and
 "Reformers. We seem no where to have
 "any *cordial friends*. Those whom we side
 "with do not seem to like us. There ap-
 "pears to be every where a suspicion of us;
 "and a partiality towards the French, in
 "spite of all they have done.—The cause
 "is, that no people can now rely upon a
 "defence against the French. We have
 "not the means of affording permanent pro-
 "tection. Experience has now taught the
 "governments of Europe, that our alliance
 "is fatal, and that is the cause of their in-
 "decision. We have done, perhaps, all
 "that we were able to do; but, then, it fol-
 "lows, that, in *that way*, we are not able to
 "do *enough*. The expence of the war is
 "now become enormous from the circum-

stance of the depreciation of our paper-
 money. The exchange is about 33 per
 centum against us in all the countries
 of Europe where we have troops; that is
 to say, it costs us that much more, in no-
 minal amount, than it would cost us, if our
 paper-money were not depreciated. Sir
 JOHN SINCLAIR and Mr. PERCEVAL talk very
 loudly about the *paper's enabling us to gain
 victories*; but, it may with much greater
 certainty be said, that *the victories enable us
 to make paper-money*; or, rather, compel us
 to make more of it. For, it is the victo-
 ries, or, rather, the valour displayed by
 our army, that feed the war with hopes,
 and encourage us to extend our military
 operations; these operations demand an
 increase of money; and that increase can
 now take place only in *paper*. It has,
 therefore, always appeared very wonder-
 ful to me, that many of those whose all
 depends upon the solidity of the paper,
 should be amongst the most forward in
 applauding the continuance and the exten-
 sion of the war; when, if they viewed the
 matter aright, they would perceive, that
 every campaign diminished in a growing
 proportion, the value of their property,
 and that, in the end, the same cause must
 produce its total annihilation, unless
 checked by some means, which, at pre-
 sent, lie beyond the sight of any human
 being, with the exception of the members
 of the Bullion Committee.

NAVAL OFFICERS' PAY.—A curious
 debate has taken place in the House of
 Commons on this subject; but, it does
 not appear to be clearly understood by
 the public.—A motion was made by
 CAPTAIN BENNETT for causing such an
 arrangement to be made as that the offi-
 cers of the navy might always receive
 their pay *at par*, when on foreign stations.
 —This, though it does not appear to
 have excited much attention in the pub-
 lic, is a matter of vast moment. It is the
dawn and only the mere *dawn* of what is
 to come. I will, therefore, endeavour to
 place it in a clear light.—Officers of
 the Navy, when on foreign stations, ob-
 tain their pay by *drawing bills of exchange
 upon the government at home*; and, of course,
 if the paper-money, in which those bills
 are finally paid at home, be depreciated,
 the bills will not obtain so much of the
 money of the country, whence they send
 the bills, as they would obtain if the paper-
 money was not depreciated. For, in-
 stance, if I am at Malta and draw a bill

for a hundred pounds upon the government at home, and that bill be *paid in guineas*, I can get 445 dollars (all but a fraction) for the bill; but, if the bill, when it comes home is paid in a paper-money, worth, as Mr. HORNER has acknowledged, only 15s. 10d. in the pound; then I cannot, of course, get so many dollars for my bill; because, when the bill comes to England, it will not fetch so many dollars here.—The real fact, at this time, is, that, at Malta, for instance, the naval bill upon the government at home will not sell for so much by 33 per centum as if we had real money in England to pay the bill with. This is what is meant when people say, that the *exchange is 33 per centum against England*.—Now, suppose a captain of the Navy to be stationed at Malta, and suppose his pay to be £.200 a-year. He draws his bill for his pay; and, if our paper-money were not depreciated, or if we paid the bill in guineas, his bill would fetch him 890 dollars at Malta. But, as things now stand, his bill will fetch him only 594 dollars. This is something worthy of attention. Aye, the reader must be as blind as some other good folks appear to be, if he does not see, that this will lead to *consequences*; for, GO ON IT MUST as sure and certain as time will go on.—Oh! they begin to *feel* the thing, do they! They will possibly begin to doubt of the wisdom of all the fine sayings about the *solidity of the Bank*. Take my word for it, that those are drollish times that make Naval Officers study and understand *Political Economy*.—But, the contrast between the Naval and Military Officer makes the thing more plain. For, as the Army are *paid upon the spot*, they do not suffer from the exchange. So that, observe, the Captain in the Army gets for his £.200 of pay 890 dollars, while the Naval Officer gets, for his £.200 of pay, only 594 dollars. This is droll work! This is a state of things that is not made to last for ever.—Suppose now, that the Naval Officer and the Military Officer have £.200 of pay due to each, and that they are both at Malta. The Naval Officer draws his bill and wants to get dollars for it. The Military Officer gets his pay in dollars from the paymaster; and, as he wants to send his money home to his wife, as all good husbands in the army and every where else ought to do, he buys his naval friend's bill, and gives him 594 dollars for it, of course, that being its worth

at Malta; so that he gets his £.200 to send to England, and has 296 dollars left in his bag.—No, no; SIR JOHN SINCLAIR, this is not a natural state of things: it is not a state of things that can last: and, we have in these very facts another instance, and a very striking one too, of the manner, in which the paper-money will work upon us.—It will, by-and-by, be felt sensibly in the *soldier's pay* at home, who, though he has bread and meat at a fixed price, will wonder how his pay comes to produce him so much less than it used to do. It will work through all departments. It will affect every body whose income is of a *fixed* nature, as to *nominal amount*; and, in this way it will fulfil the predictions of PAINE, that “that which has been the “cause of our *strength*, will become the “cause of our *weakness*.”

I had partly prepared an article upon the subject of *Parliamentary Reform*, in answer to the *Morning Chronicle*, but I have not time to finish it.—The debate, upon LORD FOLKESTONE's motion relative to the sentences upon Messrs. COLLYER and DRAKARD, which debate I insert below, shall be noticed in my next; when I shall endeavour to exhibit a true comparison between the government of Buonaparté and that of England, especially relative to the *press*, and to the *treatment of soldiers*.—In the mean while, I hope the debate will be read.

WM. COBBETT.

State Prison, Newgate, Friday,
14th June, 1811.

REFORM OF PARLIAMENT.

Sir;—I attended the Meeting at the Freemason's-Tavern yesterday; and it is no wonder that the impression made upon me by the sight of so many respectable men convened from all parts of the country for the best of purposes, continued after I fell asleep. I dreamed that I addressed the Meeting as soon as Mr. Northmore sat down, in the following words:

“Sir John Throckmorton,—I can hardly hope to be pardoned, if I shew so little gratitude to the last Speaker, as to find the least fault with any part of his most excellent Speech. But I beg your patience for a few moments, while I confess that I cannot entirely agree with him in his lamentations for the out-lawed family of guineas. This subject is intimately connected with the business of the Meet-

ing, and if viewed in what appears to me to be the true light, furnishes a fresh argument for a Reform of the Commons House of Parliament. In the first place, I cannot see how those same guineas can properly be called out-laws. They are not natives of this country. They were born in America, christened in Africa, and wandered to Europe, many of them in their way to Asia. Again, be pleased to recollect how they employed themselves while they were here. What were the places which they most avoided? The purses of Patriots. What the places which they were most fond of frequenting? The pockets of Court-Sycophants. Sir, the gentleman who spoke last tells us that he is a West-Country-Man: He has therefore, seen rotten Boroughs as plenty as Blackberries. Into which of those boroughs have not the guinea-family crept, on dirty errands from the Treasury? Have they not been the go-betweens in every act of corruption? When you call to mind the numberless deeds of pollution in which they have been concerned, and remember, at the same time, the sacred head which is impressed upon them, you cannot but feel highly indignant. But when it occurs to you that the reverse is the arms of Great-Britain, your indignation must be unbounded.—You probably guess that I am going to be the Panegyrist of the family by which the guineas are succeeded; the ragged race of Bank-Notes. Nothing is farther from my intention. They are still worse than their predecessors. It is true, they are natives. They are cocknies. They were born and bred in Thread-needle Street: And happy would it have been if they had ended their days there. It is also true, that they are free from the guilt of disgracing the Ensigns of their King and Country. But in corrupt practices they equal, I believe they exceed the family that is gone into exile. They have moreover, a vice which, in these times, is looked upon as the worst of all vices, the vice of inherent poverty. Sir, the whole family is not worth a shilling. What then, are we to have no sort of money? neither coin nor credit? Enough of both: but upon a few suppositions. Suppose you should succeed at last in what so many good men have attempted, a Reform of the Representation. Suppose your Representatives should keep a proper watch over the expenditure of public money. Suppose they should insist upon it that the National Debt should never rise so high as

to alarm the most timid with a fear of insolvency. Suppose the House of Commons would never suffer Ministers to create a debt for delivering Europe out of the hands of the Buonapartés, and into the hands of the Bourbons. Suppose it was a maxim never to be violated, that the debt of the nation should be kept so low as that any creditor might, at any time, be sure of selling his share at its full value. On these suppositions, what would be the proper circulating paper-credit of the country? What! but Bank receipts and dividend warrants? I do not at all wonder at the sensation which this proposal has caused. The very mention of Government paper is connected with the ideas of ruin. I hear a gentleman observe, that all governments who have issued paper have been bankrupt. They were bankrupt before they issued paper; or they were governments whose land and labour, on which the security of all credit must rest, were as insecure as the paper itself.—I do not say that this, or any other good may be effected without a Reform of Parliament. But with a Reform, what may not be hoped for? A million a year saved to the nation; which now goes into the pockets of the proprietors of Bank-Stock: An easy and unexpensive transfer of government securities: the whole host of stock-jobbers disbanded: Variations in the price of Stocks totally precluded: an end to the disgrace of creating a debt of 20 millions, merely that the signs of that debt may be a circulating medium; when we have a debt of 700 millions already created, without having confidence enough in government to circulate any part of the acknowledgements of this debt: saving of the expence of foreign gold, without any danger from its substitute: a legal tender to which no man could object, because every man would take it willingly and without force.—It is not my intention to go further at present, into this intricate but interesting department of political œconomy. If the out-line which I have drawn be correct, as I firmly believe it is, there are many in this assembly who are more capable of filling it up than I am.—At all events, let Meetings, like the present, be stated, calm and constitutional. Let every thing that can with propriety, be conceded to unanimity. If, as just now, an apple of discord be thrown among us, let it not be taken up. Rejoicing in every point that may be gained, let us not remit our exertions

'till the Constitution be restored to its purity. Above all, take care not to follow the advice which is given by a friend of those recreant Reformers, the Whigs, to 'bind ourselves to ask nothing more,' if perchance some alteration, in point of form, should be made in the existing system." I was roused from sleep by a sound, whether of disapprobation or applause, I am not able to recollect.—I am, Sir, what your generous attachment to a banished family will perhaps make you readily believe,

June 11, 1811.

A DREAMER.

LIBEL CASE.

Report of a Debate in the Honourable House on the 12th of June, 1811, upon a Motion of Lord Viscount Folkestone, relative to the Sentences upon Messrs. Collyer and Drakard.

LORD FOLKESTONE rose to make his promised motion for the production of the Criminal Informations against Messrs. Drakard and Collyer for libels, and he was happy that at length he was enabled to do so while the Attorney-General was in his place. The sentence that had been passed upon those men appeared to him to be of a most cruel and severe kind—and he would shortly state the circumstances of the prosecutions to the House, which he thought would abundantly prove that he was correct in his designation of the punishment. The libel for which Mr. Drakard had been prosecuted appeared first in his own paper, *The Stamford News*, from which it had been copied by a London news-paper. Against the Editor of this latter paper a criminal information had been filed by the Attorney-General. The matter came on for trial at Westminster Hall, and the accused had been acquitted by the Jury. It was not his intention to go into the details of the prosecution against Mr. Drakard at the present time—but from the complaints that had been made, that there were persons who wished to overturn all establishments, and especially the judicial establishments, he should have thought it politic not to try a man for such an undefined offence as that of libel, when another who had published the same libel had been acquitted. These, however, it appeared, were motives which did not actuate the Law Officers of the Crown, and Mr. Drakard was tried at the assizes and found guilty. At the trial he

had been charged not only by the Lawyers against him, but by the Judge on the Bench, with partiality to France, and a desire of exalting the advantages of the Government of that country, in comparison with that of England. When Mr. Drakard was brought up for judgment, therefore, he produced an affidavit, containing various extracts from his paper, disproving in the most convincing manner this charge; and shewing that so far from being actuated by any favour to the Government of France, he had on many occasions written with the utmost earnestness against the mode of Government which prevailed in that country. It was most extraordinary however, that these extracts, which were a complete answer to charges alledged at the trial as an aggravation of the libel, should at the time of pronouncing sentence be held out as an aggravation—(*Hear, Hear!*)—and that all the advantage Mr. Drakard derived from having refuted the charge of partiality to France was to be told that it was no excuse for a libel against the Government of this country, to have libelled that of France. The sentence of Mr. Drakard was, that he should be imprisoned 18 months, fined 200*l.* and give security for his good behaviour for three years. He would not at present consider the nature of the libel, or whether the punishment was at all proportioned to the offence; but he would take it in this light—was it fitting to subject one man to so very severe a punishment for an offence of which another, who had published the same libel, had been acquitted by a Jury of his countrymen? The criminality of a libel, it was said, consisted in its tendency to produce a breach of the peace. One Jury had pronounced that the publication in question had no such tendency—another Jury had decided that it had; but when opinions were so nearly balanced, it was too much, he thought, to inflict a punishment which would have almost been excessive, if all mankind had been agreed that the publication was really criminal. It was on this ground that he called the attention of the House to the case of Mr. Drakard.—The other case was, in his opinion, a much more grievous one. It was that of Mr. Collyer, a dyer, at Manchester, who had been surcharged for the Income-tax. He appealed against this surcharge, and being put to his oath before the Commissioners, swore that his income was no more than 160*l.* whereas the charge was for 300*l.*

This, however, had only been reduced to 250*l.* which Mr. Collyer conceiving to be unjust, refused to pay. His goods had in consequence been distrained, and a horse and cart had been sold. Mr. Collyer found himself injured by this proceeding in two ways. In the first place, many of his neighbours began to consider him as a man in bad circumstances, and by this means his credit in trade had materially suffered—others again put a very injurious construction on the matter, and were disposed to consider him as a perjured man, the Commissioners having refused to believe him on oath. He therefore resolved to publish a vindication of his own conduct; but, being an illiterate man, he did not know how to draw it up, and applied to the editor of one of the Manchester papers, Mr. Cowdroy, stating the circumstances, and desiring him to make up a statement and publish it in his paper. This was to be paid for as an advertisement—but Mr. Collyer particularly cautioned Mr. Cowdroy to avoid all libellous matter, or anything that might bring him into difficulty. The Editor promised to do this—and the paper being drawn up, Collyer not being very capable of judging whether it contained improper matter or not, signed his name to it, paid the money, and it was inserted. Some alterations were made in it afterwards, and it was then carried by Mr. Collyer to the Editor of another paper in Manchester, who also inserted it. From this it found its way into a London paper—for which Mr. Lovel was now suffering imprisonment for 12 months. An Information was filed against Mr. Collyer for this offence—he was convicted and sentenced to 12 months imprisonment. The whole of the circumstances which he had stated, appeared in Court as he had taken them from an affidavit which must have been read there. Suppose the defence of this man had contained offensive matter—still it might have been a question, whether he ought to be prosecuted, when it was considered that his only reason was to do away the injurious impressions among his neighbours that he was a man in low circumstances, or that he had been guilty of perjury—but when it was found that he was really not the author of the libel; that he had even strictly cautioned the person who drew it up not to insert any libellous matter, nor do any thing against law; it was surely an extreme measure of justice to punish him with imprisonment for 12 months. *He had on a*

former occasion stated, that at the Old Bailey, persons convicted of felonies, for which by law their lives were forfeited, were sentenced to imprisonment for one, two, or three months, and yet this man, under such circumstances, had been condemned to a year's imprisonment!— He would now, with the leave of the House, read this terrible libel, which had called down so heavy a punishment. [His Lordship then read the publication, which has been already before the public.] It appeared then that this offence was really of so slight and trifling a nature, that it was hardly possible even to be angry at it. The Commissioners themselves felt no resentment for it; and so little was it thought of, that one of the persons who inserted it was a friend of the Commissioners. They themselves told this man that they had no enmity towards him, that *they would do every thing in their power to get him out of the scrape, but that the thing was in the hands of his Majesty's Government; and yet the Attorney-General, knowing all these circumstances, on a former occasion told him (Lord Folkestone) that he had the satisfaction to have prosecuted this man to conviction!* He hoped one of the Privy Council, or some person about his Royal Highness the Regent, would represent this case to him, when he had no doubt, from the generosity of his mind, that he would do in it what was proper. When he and others, thinking the press hardly used, and that there was even a systematic effort to subdue it, had on a former occasion thought it right to bring the subject of informations for libel before the House, he had employed a Solicitor to procure him copies of the informations. The Solicitor found it more convenient to apply to those who were employed for the several parties, than to get them from the office. He got them all, except the case of this man; for, finding that the copy was wanted for Lord Folkestone, the Attorney for the party expressed his fears, lest if the matter came to the Attorney-General's ears, the punishment would be more severe. He did not mean to say that there was any foundation for this fear; but this shewed the state of intimidation in which the Press was placed. By the negligence of the Solicitors, the instructions had not been delivered to the Counsel till a few minutes before Collyer was brought up for judgment. The Counsel therefore applied to the Attorney General to have the matter put off, when the Attorney General asked them whether

they would answer that Lord Folkestone would not accuse him of not having prosecuted their client? He would ask the Attorney-General whether this was not correct? Did the Attorney-General act differently from what he otherwise would have done, on account of any thing that he (Lord Folkestone) might say? The better way would be to act even upon his own notions of what was right. But he denied that he had ever blamed the Attorney-General for not prosecuting. He had only blamed him for his partiality for having prosecuted those who opposed the politics of Government for smaller offences, while he suffered those who supported the politics of Government to publish the grossest libels with impunity. *It had been ruled by the Court, that even putting a letter in the post-office containing libellous matter was a publication.* What man, then, would dare to complain of the conduct of men in office even in this way, if a punishment so severe as a year's imprisonment were to be inflicted for offences so slight as that of Collyer? Was he not justified, then, in calling it *a most severe and cruel punishment*? He concluded by moving for Copies of the Informations against Drakard and Collyer.

THE ATTORNEY-GENERAL hoped, when his conduct was called in question, that the House would indulge him while he gave an account what that conduct had been. He begged the Noble Lord not to believe that he could have talked disrespectfully in another place of any motion made by the Noble Lord in that House. He might no doubt have expressed himself in the terms retailed to the Noble Lord, and, when an application for delay was moved, might, turning to those near him, have said in an under tone, "what will such a person say, if I consent to any postponement." He verily believes he had said so, and that, too, just in the way in which he had described it, and that some busy person had thought it worth his while to retail it to the Noble Lord. He was satisfied, however, that the Noble Lord was incapable of supposing that he could have been actuated in any thing he did by the conduct of the Noble Lord in bringing the subject under the consideration of the House, or that he could ever have allowed such a circumstance to act on him in such a way as to cause him to deviate from the line of his duty, which, he was conscious, he had never transgressed on any occasion. If the Noble Lord could suppose him capable of visit-

ing the offence of any man, with greater bitterness because he had communicated with the Noble Lord, he did him (the Att. Gen.) great injustice. He should feel mortified could he believe that the Noble Lord supposed him capable of such a violation of duty. He then proceeded to consider the two cases brought under the consideration of the House by the Noble Lord. First, as to the case of Drakard, the Noble Lord seemed to conceive that after the Hunts had been acquitted he (the Attorney-General) ought to have been contented, and should have thought the cause of justice satisfied.—Though there were many unexceptionable answers which might be given to this observation, there was one short one, which he thought was sufficient, and this was, that the Noble Lord must have been misinformed, for the two publications were not alike: Hunt's was not an exact copy of Drakard's, but there were many grossly offensive passages in Drakard's libel which had not found their way into Hunt's publication. He did not agree, however, that the acquittal of Hunt was a sufficient reason for staying the proceedings against Drakard, even had the publications been exactly the same. One would suppose, however, from the statement of the Noble Lord, that he (the Attorney-General) hunted down these persons from a pleasure which he took in oppressing them. If he did use the word pleasure when he communicated to the Noble Lord the fact of Collyer's having been convicted, his using that expression did not proceed from any pleasure he felt at the circumstance itself, but, simply, from finding that he was correct in what he had stated on a former night, merely on recollection. With the sentence imposed on Drakard he (the Attorney-General) had no concern. For that he could not answer, but at the same time he must say, that it could not at all be affected by the acquittal of Hunt. The Court of King's Bench had to look to all the circumstances of the libel itself, and to apportion the punishment to the enormity of it, without regard to any extraneous circumstances. They were to say, what was a just punishment for the libel as it appeared before them. This they had done, and the Noble Lord had not thought proper to enter into an investigation of the libel, for the purpose of shewing that the punishment was disproportionate to the offence. He now came to the case of Collyer; and here the House

would please to consider who the persons were, against whom the libel was published. They were Gentlemen who undertook a laborious and invidious office for the sake of the public, and if they were not to be protected against calumny in the exercise of their duty, the office must remain unexecuted. He did assure the Noble Lord, that never in any case had more pains been taken to ascertain what were its real merits, than he had taken in this very case. He had not confined his inquiries to the consideration of the libel, but he had also exerted himself to ascertain if Collyer had any real ground of complaint. Though that would not have operated as an excuse, still he had satisfied himself on this head before he filed an information against him. The libel did not in fact apply to an appeal and oath made by Collyer at the time, but he had gone on with-holding part of his income for five years. So far, too, from the Commissioners being satisfied without prosecuting Collyer, it was only on a complaint from them that they could not go on in their office, if the matter was allowed to pass, that he was prosecuted. The two printers were first prosecuted, and the Commissioners agreed to wave the prosecution against them, if the author was given up. This he (the Attorney General) disapproved of, thinking the printer or publisher often as mischievous a character as the author, but he did not think himself warranted in refusing to accede after such an argument had been made. So far, therefore, from originating with him, the prosecution against Collyer had been undertaken at the express desire of the Commissioners themselves. It was to be observed, however, that after the libel in question had been printed by Cowdroy, Collyer himself took it, and paid 15s. for giving it still further publicity. That these circumstances must have had some effect with the Court, no man could deny. It was impossible for any dispassionate man to look at the publication, and not to see that it imputed to the Commissioners that they acted from corrupt motives, or from the very worst of passions. These being the circumstances of the two cases, alluded to by the Noble Lord, he submitted to the House, that there could be no ground for imputing any thing improper to him; certainly there was nothing improper in the Court who had pronounced the sentences in question.

MR. WHITBREAD begged to say a few

words, not respecting any thing improper on the part of the Honourable and Learned Gentleman (the Attorney General) *who, he had no doubt, had acted most fairly and constitutionally*, but simply to make a general observation, that he had remarked for some time, that the punishments inflicted on offences of this kind were most exceedingly severe. He had occasion some considerable time ago to present a Petition on the part of White and Hart, whose period of imprisonment was now nearly expired. There the imprisonment was for three years; a punishment infinitely beyond what could be supposed adequate to any offence of the kind. He had since heard of another charge of a similar kind, against White; but he hoped after so long an imprisonment, it would not be persevered in. As to the case of Drakard, he could not judge, not having read the publication, but after one person had been acquitted for a similar publication, he could not but think the punishment allotted to it was severe, indeed. As to Collyer, it was admitted that he was an illiterate man, and that supposing himself injured, he, in a state of irritation, employed another person to write out a statement of his case, desiring him at the same time to guard against every thing libellous. He agreed with the Attorney General in thinking that the person who composed the libel was the more proper object of punishment. He thought that the Commissioners might have been satisfied with conviction merely, without sentence;—but if sentence was necessary, he was decidedly of opinion that twelve months imprisonment for an offence of the kind was such an excess of punishment, that it ought to be mitigated in that quarter alone from whence mercy could now flow; an exercise of the prerogative which, he was convinced, would give satisfaction to the Public, and to the Attorney General himself.

MR. PERCEVAL said, if in the case of the libel published by Drakard, one Jury had acquitted and another had convicted, it was for the Judges, when called on to pronounce sentence on the person convicted, to satisfy their own minds which of the two verdicts had been founded on mistake, and to pass a mild or severe sentence accordingly. If the Noble Lord contended that the Court had erred in their judgment on this point, why had he not given the publication to the House? The fact however was, that the publication for

which a verdict of acquittal had been obtained, was not a copy of the whole of the publication which another Jury had declared to be a libel. As to any application at the fountain of mercy, in the case of Collyer, he begged the House to consider what was the nature of that case. It did not depend on the particular words of the publication, but on the mischief likely to be produced by it, and the effect it was calculated to produce on the minds of those against whom it was addressed. It was to be considered that they were persons who served without reward, and that they lived in a populous neighbourhood, whose indignation against them such a publication as the present was peculiarly calculated to excite, they being here held up as persons who felt delight in oppression. The Court could not but have had these circumstances in view, and, influenced by all the merciful considerations which ought to govern their minds, corrected, however, by a regard to what the public service required, they had passed the sentence now complained of. He must therefore oppose the motion.

MR. W. SMITH said, as the present motion only went the length of requiring copies of the informations and judgments in the particular cases alluded to, the question was, whether the Noble Lord had here made out a *prima facie* case to warrant such a motion? He was of opinion the Noble Lord had made out such a case, and therefore he thought the informations and judgments ought to be produced for the sake of affording to the House materials on which to build its future opinion.—The Commissioners, who acted gratuitously for the public benefit, he was fully aware, ought to be supported, and if any man libelled them he ought to be brought to justice, but that ought not, to his mind, to be carried to so violent an extent, as in the present instance. There was here an apparent harshness on the part of the Administrators of Justice, and, though it might not be desirable to seem to doubt of the decisions of our Courts of Law, that did not seem to him to be so detrimental to the public, as that the House should refuse inquiring into the extent and propriety of punishment, when *prima facie* ground was laid for such inquiry.

MR. LOCKHART thought that the positions with which the Honourable Member who spoke last had set out, would have led him to a very different conclusion. He could not conceive a more harsh accusa-

tion than that contained in the Libel against these Commissioners; and to *concur in the present motion would be to throw a reflection on the Court, as inferring a doubt at least of the propriety of its judgment*, which, he confessed, he saw no reason to question.

LORD FOLKESTONE, in reply, observed, that the Honourable and Learned Gentleman had only urged, in opposition to his motion, that it would tend to throw an imputation on the Court of King's Bench without a sufficient case being made out. He still thought that nothing which had been said by the Learned and Honourable Gentleman diminished the strength of the case he had described; and he had no hesitation in saying it was a case of peculiar hardship and oppression. It had been said, that the Court could only look at the actual libel: but if this was so, what was the nature or purpose of affidavits in mitigation? With respect to the case of Drakard, he certainly was aware of the distinction between it and the Hunts, arising from an omission of a certain portion of the original libel; but as the Counsel for the prosecution had not thought proper to dwell upon the parts omitted, he conceived himself warranted in concluding that they were not peculiarly offensive. The Right Honourable Gentleman (Mr. Perceval) had said, that one libel ought not to excuse another of the same nature; but he apprehended, that as libel was an offence only cognizable by law, as tending to a breach of the peace; when public opinion, as expressed in the verdict of a jury, had decided that this tendency did not exist, it would have been but just and politic to refrain from trying again the same question in the case of another person.

The motion of LORD FOLKESTONE was negatived without a division.

OFFICIAL PAPERS.

SICILY.—*Declaration of the King relative to the Report of his being about to give up his Country to the French.*—Palermo, 10th March, 1811.

His Majesty the King of the Two Sicilies has been informed, that some malevolent persons have circulated in this capital, as also at Messina, scandalous reports of a pretended peace between his Majesty and the French, of which they have the impudence even to indicate the conditions, although contradictory—the resatuation of the Kingdom of Naples, provided

the French troops occupy Sicily—the resignation of the Kingdoms of Naples and Sicily, for a supposed compensation elsewhere. Some do not mention that peace has been signed: others pretend that it has been on the 17th January.—The King, strong in his probity, and in his good faith known to his faithful friend the King of Great Britain, and to the generous English nation, would conceive it beneath his dignity to trouble himself an instant with reports as absurd as the authors of them are contemptible, if his Majesty did not behold in these vile manœuvres the instigation of the common enemy, of whom the promulgators of these falsehoods are certainly the instruments always occupied in disturbing the public tranquillity, and in sowing the seeds of distrust among loyal and faithful allies, the intimate union of whom is the greatest obstacle to the accomplishment of his perverse and disastrous designs.—This reflection has made his Majesty judge it his duty not to preserve silence in this circumstance, and he has consequently ordered the undersigned Minister and Secretary of State for Foreign Affairs, to declare that the above-mentioned reports are false, and entirely destitute of all foundation; that his Majesty, constant in his principles, and faithful to the system and to the engagements which have for so many years bound him to his Majesty the King of Great Britain, and to the generous English nation, to which his Majesty has united his lot, and whose known fidelity assures him of the continuation of a generous aid, regards these ties, founded on good faith and reciprocal loyalty, as indissoluble.—The undersigned, therefore, in obedience to the orders of his Royal Master, has the honour to address this Declaration to his Excellency Lord Amherst, Minister Plenipotentiary and Envoy Extraordinary of his Majesty the King of Great Britain, not that the King his Master thought it necessary to make known his unalterable sentiments, but as a means of giving an authentic contradiction to calumnies which, often repeated, might at length spread some cloud on the mind of his brave defenders and faithful allies. It is, therefore, to prevent this effect, that his Majesty desires, that his Excellency Lord Amherst would communicate this to the Commander in Chief of the British army, General Stuart.—The undersigned seizes this occasion of renewing to his Excellency Lord Amherst, the assurance of his high consideration.

MARQUIS CIREILLO.

PORTUGAL.—THE WAR.

No. IV.

Return of killed, wounded, and missing of the Corps of the Army under Command of Lieut. General Viscount Wellington, K.B. under the immediate Orders of Marshal Sir William Carr Beresford, K.B. in the Battle with the French Army commanded by Marshal Soult, at Albuera, on the 16th May, 1811.—(Concluded from p. 1472.)

General Total—2 General Staff, 1 Lieutenant-Colonel, 1 Major, 7 Captains, 13 Lieutenants, 9 Ensigns, 1 Staff, 33 Serjeants, 4 drummers, 913 rank and file, 63 horses, killed; 8 General Staff, 5 Lieutenant-Colonels, 5 Majors, 48 Captains, 86 Lieutenants, 22 Ensigns, 7 Staff, 146 Serjeants, 10 Drummers, 2,656 rank and file, 35 horses, wounded; 1 Major, 4 Captains, 8 Lieutenants, 1 Ensign, 28 Serjeants, 11 Drummers, 517 rank and file, 17 horses, missing.

(Signed) CHARLES STEWART.
Major-Gen. and Adj.-Gen.

Names of the Officers killed, wounded, and missing in the Action on the 16th May, 1811.

Killed.

Major-General D. Hoghton.

3d Dragoon Guards—Lieutenant Fox.

1st Batt. 3d Foot, or Buffs—Captain Burke, Lieutenant Herbert, Ensigns Chadwick and Thomas.

2d Batt. 7th Foot—Captain Erck, Lieutenant Archer.

1st Batt. 23d Foot—Captain Montague, Second Lieutenant Hall.

29th Foot—Captain Humphrey, Lieutenant Duguid, Ensigns King, Furnace, and Vance.

2d Batt. 34th Foot—Captain Gibbons, Lieutenant Castle, Ensign Sarsfield.

2d Batt. 39th Foot—Lieutenant Beard.

1st Batt. 48th Foot—Lieutenant-Colonel Duckworth, Lieut. Page, Lieut. Ansaldo.

2d Batt. 48th Foot—Lieutenants Lid-
don, Loft, and Drew; Ensign Rothwell.

1st Batt. 57th Foot—Major Scott, Captain Fawcett.

2d Batt. 66th Foot—Captain Benning, Lieutenant Shewbridge, Ensign Coulter.

2d Light Batt. King's German Legion
—Lieutenant Whitney.

Portuguese.

Staff—Surgeon Bollman.

23d Regiment—P. B. Baadeira, J. Joze
Montro.

Wounded.

Major-General Honourable G. L. Cole, slightly.

Major-General Honourable William Stewart, slightly.

Captain Egerton (2d Batt. 34th Foot), Deputy Assistant Adj.-Gen. slightly.

Captain Waller (103d Foot), Deputy Assistant Quarter-Master General, severely.

Captain Roveria (Sicilian Regiment), Aid-de-Camp to Major-General Cole, severely.

Captain Wade, (42d Foot) Aid-de-Camp to Major-General Cole, severely.

Captain Baring, (1st Light Batt. King's German Legion) Aid-de-Camp to General Alten, slightly.

Royal Artillery—Captain Hawker, slightly.

Royal German Artillery—Lieutenant Thiele, severely.

4th Dragoons—Captain Holmes, slightly; Lieutenant Wildman, Adjutant Chantry, slightly.

3d Foot, or Buffs—Captain Marley, Captain Gordon, severely; Captain Stevens, Captain Cameron, severely and taken prisoner; Lieutenant Juxon, Lieutenant Shepherd, slightly; Lieutenants Hooper and Latham; Lieutenant Wright, slightly; Lieutenant Woods; Lieutenant Houghton, severely; Lieutenant Titlow, slightly; Lieutenant O'Donnel, severely; Ensign Walsh, severely.

1st Batt. 7th Foot—Lieut.-Col. Sir William Myers, Bt. since dead; Captains Cholwich, Singer and Crowder, slightly; Lieutenant Prevost, severely; Lieutenants Moultry and Wemyss, slightly; Lieutenant S. B. Johnstone, since dead; Lieutenant Mullins, severely; Lieutenant Henry, slightly; Lieutenants Jones and Morgan, severely; Lieutenant R. Johnstone, slightly; Lieutenant Gibbons; Lieutenant Moses, slightly.

2d Batt. 7th Foot—Brevet Lieutenant Colonel Blakeney, severely; Captain Mageniz, left arm amputated; Captain Orr, severely; Captain Parleton, slightly; Lieutenant Irwin, severely; Lieutenant Healy; Lieutenant Wray, severely; Lieutenant Orr; Lieutenant Seaton, severely; Lieutenant Penrice; Lieutenants Lorentz, Holden, Frazer, and Acting Adjutant Meagher, slightly.

1st Batt. 23d Foot—Lieutenant-Colonel Ellis, slightly; Captains Hurford and McDonald; Captain Stainforth, first Lieutenant Harrison, slightly; First Lieute-

nant Booker, severely; First Lieutenants Treeve and Thorp, slightly; Second Lieutenant Castles, ditto; Second Lieutenant Harris; Second Lieutenant Ledwith, slightly; Adjutant M'Lellan.

2d Batt. 28th Foot—Captain Gale, severely; Captain Carrol, Lieutenants Crammer and Cottingham, slightly; Lieutenant Shelton, Ensign Ingram, slightly.

29th Foot—Lieutenant-Colonel White, severely; Major Way, Captain Hodge, slightly; Captain Tod, Captain Nestor, slightly; Lieutenant Stannus, severely; Lieutenant Brooke, slightly; Lieutenant Popham, Lieutenant Briggs, severely; Ensign Lovelock, slightly; Ensign Kearney, severely; Ensign Hamilton, Adjutant Wild, severely.

2d Batt. 31st Foot—Captain Fleming, severely; Captain Knox, slightly; Lieutenants Butler, Gethin, Cashell, severely; Ensign Willson, ditto; Ensign Nicholson.

2d Batt. 34th Foot—Captains Widdrington and Wyatt, Lieutenants Hay and Walsh.

2d Batt. 39th Foot—Captain Brine, Lieutenants Hart and Pollard, Ensign Cox, severely.

1st Batt. 48th Foot—Captains Wilson and French, slightly; Capt. Bell, Capt. Morrisett, slightly; Capt. Parsons, severely; Lieutenant Crawley, slightly; Lieutenant Herring, Lieutenant Wright, O'Donaghue, Duke, M'Intosh, and Vincent, slightly; Ensign Collin, slightly; Adjutant Steele, slightly.

2d Batt. 48th Foot—Capt. Watkins, severely; Capt. Waugh, slightly; Capt. Drought, Capt. Wood, slightly; Lieutenants Johnstone and Vander Meulen, severely; Lieutenants Shea and Sharp; Ensigns Norman and M'Dougall.

1st Batt. 57th Foot—Lieutenant-Col. Inglis, Major Spring, slightly; Captains Shadforth, M'Gibbon, Jermyn, Stainforth, Hely, Kirby; Lieutenant Evatt, and Lieutenant Baxter, slightly; Lieutenant Mr. Lachlan, severely; Lieutenant M'Farlane, Lieutenant Dix, slightly; Lieutenant Patterson, severely; Lieutenant Hughes, slightly; Lieutenant Sheridan, Lieutenants Veith and Myers, slightly; Lieutenant M'Dougal, Ensign Torrens; Ensign Jackson, slightly.

5th Batt. 60th Foot—Lieutenant Ingersleben, slightly.

2d Batt. 66th Foot—Captain Ferns, Lieutenant Hicken, slightly; Lieutenants Harvey and L'Estrange, Lieutenants Chambers and M'Carthy, slightly; Lieute-

tenant Codd, Lieutenant Hand, severely; Lieutenant Crompton, Ensign Walker, Ensign Hay, severely; Ensign Mack, slightly.

1st Light Battalion King's German Legion—Major Hartwig, Captain Rudolf, Lieutenant Hartwig, slightly; Ensign Smalhausen; Adjutant Fable, slightly.

2d Light Battalion King's German Legion—Captain A. Heise.

Portuguese.

Colonel Collins.

2d Regiment—Adjutant Jose de Mello.

5th Regiment—Captain Jose de Mattos, Captain Jas. Johnston, Lieutenant Jose Miranda, Ensign J. Sarmento Vasconcellas.

4th Regiment.—Pimontel Broquet, slightly.

11th Regiment—Lieutenant J. Paos de Carvalhos, Lieutenant Bede Napoles.

23d Regiment—Captain A. Pinheiro Daragao.

1st Battalion L. L. Legion—Lieutenant-Colonel Hawkshaw, Major Joao Paes, Captain Felipe Jacob, Captain J. Paulo Rosado, Lieutenants Antonio Carlos and Andrew Camacho.

Missing.

Royal German Artillery—Lieutenant Blumenbach.

4th Dragoons—Captains Spedding and Phillips.

3d Foot, or Buffs—Lieutenant Hannesley and Hill.

2d Batt. 48th Foot—Major Brooke, Captains Campbell and Allman, Lieutenants Ellwood, Marshal, Sach, Brotheridge, and Wood, Ensign Gilbert.

(Signed) CHARLES STEWART,
Major-Gen. and Adjutant-Gen.

Elvas, May 22nd, 1811.

My Lord;—I enclose a letter of the 21st instant, which I have received from Marshal Sir William Beresford, containing a letter from General Gazan to Marshal Soult, which had been intercepted by some of our parties.—General Gazan, wounded himself, was marching with the wounded; and from his account of those with him, from the account of those at Almendralejo, and those left on the ground at Albuera, from the numbers found dead on the field, and the prisoners, the Marshal computes the enemy's loss not to fall short of 9,000 men. I have the honour to be, &c. WELLINGTON.

*Camp near Albuera,
21st May, 1811.*

My Lord;—I have the honour to transmit to your Lordship the accompanying intercepted letters of some importance; after the severe battle we had, it is satisfactory to know that our calculations of the enemy's loss were not exaggerated, and you will see by Gen. Gazan's letter to Marshal Soult, that in killed and wounded it cannot be less than 8,000 men: left dead on the field and taken, we have the knowledge of near three thousand; Gen. Gazan states that he has more than four thousand wounded with him; three hundred and twenty were at Almendralejo by the same letters; Gazan says many have died on the road, and which we know must have been the case, as it is in the few first days that the bad cases die in numbers, and a precipitate-retreat and want of convenient carriage must increase the mortality; thus we can scarcely calculate the loss of the enemy from these data at less than nine thousand men.—Our advance was close to Azuchal and Almendralejo, and I propose putting a strong column of Infantry in march towards those places to-morrow morning, and shall accompany it. I have, &c.

W. C. BERESFORD.

(Translation.)

Ribera, 19th May, 1811.

Monsieur le Marechal; I have the honour to report to your Excellency that I am just arrived with the whole of the column which is infinitely more numerous than I could have believed. I am endeavouring to organize it, in order to avoid disasters, and particularly plundering, which would make us die of hunger, and which I found at the highest pitch this morning upon my arrival at Almendralejo.—I found upon my arrival here a letter from M. Le Normand to Major D'Aubersac. I annex it herewith, after having acquainted myself with its contents. As I imagine that it can be only the 9th corps which is at Almaraz, I write from hence to the Count d'Erlon, in order to induce him to hasten his march and to join you. However as it is also possible that they may be troops belonging to the army of the centre, commanded by Gen. D'Armagnac, I write to him likewise, in order that he may move towards you.—I send an answer to Captain Le Normand to intimate to him that he should correspond with your Excellency, Major

D'Aubersac having rejoined the army; I have ordered him to collect a large convoy of provisions, and to accompany it to you, that it may the more securely reach you.—The great heat will do a great deal of harm to our wounded, the number of whom amounts to more than four thousand; especially as we have only five surgeons to dress them. Some have died upon the road; amongst them M. la Pierre, Chief de Battalion of the 103d regiment.—I am still without any news of the Chief d'Escadron La Barthe; I shall have the honour of informing you the very moment I shall have been able to communicate with him. Spanish parties are at Los Santos and at Fuente del Maestro; and have appeared this morning at Almendralejo and Villa Franca. They made inquiries at the latter place as to the march of our column; and they give out that four hundred horse and a strong column of infantry are to arrive to-day at Los Santos; I do not give any credit to this movement, but at all events we shall see them, and I shall try to escape them.—I beg your Excellency to receive the assurance of the sincere and respectful devotion with which I have the honour to be,

(Signed) The Gen. of Divison, GAZAN.

SPAIN.—Cadiz, May 24, 1811.—*Extract of a Dispatch from Don Francisco Xavier Castanos, dated on the Field of Battle at Albuera, the 19th of May.*

On the 26th of April last, I informed your Excellency, that the extraordinary rise of the river Guadiana, carrying off the flying bridge erected opposite to Jurumena, had cut off the communication of this part of Estremadura with Portugal, and prevented my interview with Lord Wellington at Yelves.—On this account he transmitted to me a written memorial, in which he explained his ideas as to the operations which appeared proper to him in Estramadura, and which were very conformable to mine, except in one article, which, as it directly affected myself, I did not think it right to admit. The point was this: that it laid down the principle, that wherever different corps of the allied armies should be united to give battle to the enemy, that General possessed of the highest military rank and of the longest standing should take the command of the whole. This would have necessarily imposed upon me the chief command—a circumstance which, on many

accounts, and considered in every view, I found it my duty to decline, proposing that in the above-mentioned case, that General should take the command who brought the greatest number of forces, the others being to be considered as auxiliaries; a proposition which, I flatter myself, was as proper in itself as it was well received, as your Excellency will perceive from the copies of my letter to Lord Wellington, and his satisfactory answer, which are both subjoined.—I immediately addressed a copy of the memorial of Lord Wellington to General Blake, who declared his assent to the plan, and to the proposal which I had made, the propriety of which has been still more confirmed by the happy results of the glorious battle of Albuera, in which, in consequence of the above arrangement, the distinguished Marshal Beresford commanded.—On the first accounts that arrived of the approach of Marshal Soult towards Estremadura, Senor Blake made arrangements for uniting his troops with those of the allied army, with so much precision, according to the plan agreed upon, that he might be said to have calculated to a moment the time for carrying the measure into effect in all its parts, since his forces joined at eleven on the night before the battle, unknown to Soult, whose object was to attack the allied army, which he supposed not to have formed a junction with the Spanish troops, and to be alone on the heights of Albuera; that point having this particular circumstance attached to it, that it was the position which Lord Wellington had fixed on for giving battle.—There on the 16th of this month the troops of the three allied nations assembled, and there the most cordial harmony reigned among the generals, and the most fraternal union among the soldiers; the strongest disposition to give mutual aid at every risk, and the most ardent desire to assist each other by mutual efforts. The glory of the triumph has been so profusely and at the same time so equally shared, that all have gained trophies, and none are obliged to borrow from the laurels of another.—Marshal Soult, with an army somewhat inferior to ours in infantry, but superior in cavalry and artillery, did not delay for a moment his meditated attack. He advanced against our position, which was close to the village of Albuera, and the centre of the line: but this was soon discovered to be a false attack, and that his intention

was to gain the right flank, which consisted of Spanish troops, whom he attacked vigorously with the greatest part of his force, and whom by successively deploying he must have turned, and got into their rear. Our second line and corps of reserve, however, which were skilfully posted, advanced rapidly to our relief, supporting our first line, and maintaining a most obstinate and bloody combat. The enraged enemy repeated his attacks, bringing up continual reinforcements; but he always met with other reinforcements on our side, which remained impenetrable for seven hours, though he employed, to no purpose, all the intrepidity of the Polish cavalry, and the formidable fire of a numerous artillery which thundered without intermission. At half past two in the afternoon he gave way, and began to retreat without ceasing to combat. He was then charged and pursued in his retreat towards the woods and heights which he meant to occupy, leaving the field of battle covered with his dead, and with a considerable number of wounded, whom he could not carry off; who having been inundated by the heavy showers that fell during the action, formed a most horrid spectacle, the rivulets that poured down from the heights overflowing with blood.—The loss of the enemy upon the most moderate calculation, confirmed by the reports of several deserters, amounts to 7,000 men. Among the killed is Gen. Werle, who remained on the field of battle, and General Pepin, who died during the night in consequence of his wounds. Generals Gazan and Brix retired wounded. Our loss has been very great, though inferior to that of the enemy.—General Blake, who was always at the head of the troops wherever danger called, had his left arm grazed by a musket-ball, which fortunately only tore his coat and shirt without doing him farther injury. In this way he offered the most effectual example of coolness and bravery to his officers, being constantly in the foremost ranks during the whole of the battle.—Having been a close observer of this obstinate battle, I will not attempt to particularize individuals; for all the Generals, officers, and troops surpassed themselves in valour and steadiness. They displayed

a coolness, and at the same time an ardour which excited universal enthusiasm. The order, precision, and velocity of the movements, amidst a profound silence, uncommon on such occasions, were the object of general admiration. The only wish was to fight and conquer, be the danger what it might. The Generals of Brigade, without waiting for the bulk of their divisions to come into action, were already engaged by the side of the advanced troops. There was not a man who was not at his post, and every one was determined to maintain it with that valour which is the triumph of individual and military honour.—Sout, without being able to come in sight of Badajos, commenced his retreat early in the morning of yesterday by Vilalba and Almendralejo, leaving in the woods where he was encamped several dead, and more than 200 wounded, whom he could not remove or send with the others to the neighbouring towns. He is pursued and observed by the Conde de Penne Villemur with the cavalry, the vanguard of General Lardizabal, and some English light troops.—These are the particulars which I have felt it my duty to lay before your Excellency of the battle of Albuera, the able manœuvres in which, directed by Marshal Beresford, in concurrence with General Blake, obtained a great victory, which promises the most important consequences. God guard your Excellency, &c.

PORTUGAL.—THE WAR.—*Proclamations of Lord Viscount Wellington, K. B. Marshal General of the Armies of H. R. H. the Prince Regent of Portugal, &c. &c. &c.*

The Portuguese Nation is informed, that the cruel enemy, who had invaded Portugal, and laid waste the country, has been compelled to evacuate and retire behind the Agueda, after having suffered great losses.—The inhabitants of the invaded districts may now return with security to their homes, and begin anew their occupations, and domestic arrangements.—The Marshal General, however, reminds them of the contents of the Proclamation he addressed to them in the month of August last, a copy of which is by the side of [following] the present.

(*To be continued.*)